

Art Unit: 1796

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eli Zborovsky on November 4, 2008.

The application has been amended as follows:

Cancel claims 11-13.

The following is an examiner's statement of reasons for allowance:

Claims 11-13 modified in the amendment filed October 15, 2008 are directed to inventions that are distinct from the that originally claimed for the following reasons:

2. Claims 1-10 and 14-17, and claims 11 and 12 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) The process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product such as a method of bonding substrates.

3. Claim 13, and claims 1-10 and 14-17 are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) The process as claimed can be used to make another materially different product or (2) the product as claimed can be made by another materially different process (MPEP § 806.05(f)). In the instant case, the process as claimed can be used to make another materially different product such as a blend of a hydroxyl-functional polyester and an isocyanate prepolymer.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-13 have been cancelled as being directed to non-elected inventions (37 CFR 1.142(b) and MPEP § 821.03).

4. The new language in claims 11-13 are supported by the specification on page 9, lines 8-20 should their examination be pursued in future divisional applications.

5. The issues and 35 U.S.C. 112, second paragraph, rejection set forth in the non-Final rejection mailed June 5, 2008 on page 2, paragraphs 1-3 have been resolved by the amendment filed October 15, 2008.

6. None of the primary references to Gienau et al. Patent No. 6,645,340; French Patent No. 2,893,314 and Mishra et al. Patent No. 6,376,579 recites the claimed free amine content of 35% by weight or more. Marten et al. Patent No. 4,481,349 (col. 6, claim 1) and Neumann et al. Patent No. ,5576,108 (col. 4, lines 54-66) disclose a maximum of about 10 percent by weight of monoamines which is significantly less than the claimed minimum.

Art Unit: 1796

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(571) 272-1093 (Fax No. (571)-273-8300)
Monday to Friday, 9:30 to 6:00

/Robert Sellers/
Primary Examiner
Division 1796

rs
11/4/2008